

REMARKS

In the final Official Action dated March 20, 2003, the Examiner raised various prior art rejections. Of these rejections, claims 8 and 9 were only rejected under 35 U.S.C. §103(a) over the combination of DeBoer et al., U.S. Patent No. 6,110,645, and Inno et al., U.S. Patent No. 6,500,599. Claim 10 was only objected to and was stated as being allowable if rewritten in independent form.

By the present Amendment, the subject matter of claim 8 has been incorporated into claim 1, claim 8 has been accordingly canceled without prejudice or disclaimer and the dependencies of claims 9 and 10 have been changed from claim 8 to claim 1. While applicant sincerely appreciates the indication of the allowability of claim 10, applicant respectfully submits that claim 1 and all the claims which depend therefrom are now in allowable form. As pointed out in the remarks of Amendment filed on August 6, 2003, Inno et al. is only superficially available as "prior art" under 35 U.S.C. §102(e), and applicant again respectfully points out that **applicant was under an obligation of assignment to the same assignee of Inno et al. at the time the present invention was made.**¹ Accordingly, in view of the provisions of 35 U.S.C. §103(c), Inno et al. is not available as "prior art" in a rejection under 35 U.S.C. §103(a) and amended claim 1 (which now includes the subject matter of claim 8) and the claims depending therefrom are not subject to any of the "prior art" rejections set forth in final Action.

¹ It is again noted that in accordance with the provisions of MPEP §706.02(1)(2), this statement should be sufficient to establish common ownership.

With respect to the subject matter of claim 11, applicant notes that such claim encompasses the embodiment wherein the hydrophilic resin in the water-receptive layer does not contain a cross-linking agent and is not cross-linked which is consistent with the teachings of the specification, such as the passage on pages 19 and 20 and the Examples which do not include a cross-linking agent in the water-receptive layer and which include a non-cross-linked hydrophilic resin.

As to the technical literature excerpt provided with the previous response, pursuant to the Examiner's suggestion in the Advisory Action dated August 21, 2003, concurrently filed herewith is an additional Information Disclosure Statement with a further copy of the document.

Since all matters are believed to be resolved by the instant Amendment and the concurrently filed documents, applicant respectfully requests reconsideration and allowance of the present application.

Should the Examiner wish to discuss any aspect of the present application, she is invited to contact the undersigned attorney at the number provided below.

Respectfully submitted,

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